

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SURI SURAI RIVERA-ZUNIGA, #28111-078 §

VS. §

CIVIL ACTION NO. 6:19cv611
CRIM NO. 6:18cr63

UNITED STATES OF AMERICA §

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Movant Suri Surai Rivera-Zuniga, a federal prisoner confined at the Federal Medical Center in Fort Worth, Texas, brings this motion to vacate, set aside, or correct her federal sentence pursuant to 28 U.S.C. § 2255. The motion was referred to the United States Magistrate Judge, John D. Love, for findings of fact, conclusions of law, and recommendations for disposition of the case.

On February 26, 2021, Judge Love issued a Report (Docket No. 12) recommending that Movant's section 2255 motion be denied, the case be dismissed with prejudice, and that Movant be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Movant at her address. However, to date, no objections have been filed.

The Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten days to fourteen days).

Here, Movant has not filed objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989),

cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 12) as the findings of this Court. Therefore, it is

ORDERED that Movant's section 2255 motion is **DENIED** and the above-styled civil action is **DISMISSED**, with prejudice. Further, it is

ORDERED that Movant is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are **DENIED**.

So **ORDERED** and **SIGNED** this 31st day of **March, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE